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**Attorneys for Defendant**  
**ROBERT JOSEPH BEASLEY**

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

**COMMODITY FUTURES TRADING**  
**COMMISSION,**

**Plaintiff,**

**v.**

**ROBERT JOSEPH BEASLEY AND**  
**LONGBOAT GLOBAL FUNDS**  
**MANAGEMENT, LLC;**

**Defendants.**

**Case No. C 05-02142 PJH**

**Stipulated Request for Order to Reschedule**  
**the Case Management Conference and**  
**Hearing on Petition for Instructions and**  
**Report of Assets of Receivership to March**  
**1, 2006**

Pursuant to L.R. 6-1(b) and L.R. 6-2, the defendants, Robert Joseph Beasley and Longboat Global Funds Management, LLC, plaintiff, Commodity Futures Trading Commission, and the Temporary Receiver, Robb Evans & Associates, submit this stipulated request for an order to reschedule the Case Management Conference and the hearing on the Petition for Instructions and Report of Assets of the Receivership for March 1, 2006. Pursuant to L.R. 6-2(a), and in support of this stipulated request, defendants' counsel, David W. Porteous, submits the attached declaration.

For the reasons set forth in the attached declaration, the parties respectfully request that the Court enter an order rescheduling the Case Management Conference and hearing on the Petition for Instructions and Report of Assets of the Receivership, presently scheduled for January 25, 2006, to March 1, 2006. Further thereto, the parties request that the Court order that any objections to the Petition for Hearing be filed on or before January 27, 2006 and that the Receiver's Reply in Support of its Petition shall be due on or before February 3, 2006.

Dated: January 13, 2006

/s/ David W. Porteous  
 Timothy J. Carey  
 David W. Porteous  
 Attorney for Defendant  
 Robert Joseph Beasley

/s/ Allison P. Lurton  
 Attorney for Plaintiff  
 Commodity Futures Trading  
 Commission

/s/ Linda Candler  
 Attorney for  
 The Temporary Receiver  
 Robb Evans & Associates

PURSUANT TO STIPULATION, IT IS SO ORDERED,

1/19/06 / /



Hon. Phyllis J. Hamilton

**ROBERT S. LAWRENCE (State Bar No. 207099)**  
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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

**COMMODITY FUTURES TRADING**  
**COMMISSION,**

**Plaintiff,**

**v.**

**ROBERT JOSEPH BEASLEY AND**  
**LONGBOAT GLOBAL FUNDS**  
**MANAGEMENT, LLC;**

**Defendants.**

**Case No. C 05-02142 PJH**

**Declaration in Support of Stipulated**  
**Request for Order to Reschedule The Case**  
**Management Conference and Hearing on**  
**Petition for Instructions and Report of**  
**Assets of Receivership to March 1, 2006**

In support of the parties' Stipulated Request for Order to Reschedule the Case Management Conference and Hearing on Petition for Instructions and Report of Assets of Receivership to March 1, 2006, David W. Porteous, Counsel for Defendants, Robert Joseph Beasley and Longboat Global Funds Management, LLC, declares as follows:

1. On June 1, 2005 the Court set an initial case management conference in this case for September 22, 2005.

2. On September 9, 2005, the parties filed a stipulated request for the Court to order the rescheduling of the Case Management Conference to December 15, 2005. The parties' request was based upon the fact that the amended complaint was not due to the Court until after

1 the Case Management Conference and, therefore, the parties believed that the conference would  
2 be premature.

3 3. On September 6, 2005, the Court entered an order granting Defendants' Motion to  
4 Dismiss the initial Complaint and directing Plaintiff to file an amended complaint.

5 4. On September 12, 2005, the Court entered an order rescheduling the Case  
6 Management Conference for December 15, 2005.

7 5. On October 3, 2005, Plaintiff filed its Amended Complaint.

8 6. On November 8, 2005, Defendants filed their motion to dismiss the Amended  
9 Complaint. The hearing on that Motion is presently scheduled for January 25, 2006.

10 7. On November 29, 2005, the parties filed a stipulated request for the Court to order  
11 the rescheduling of the case management conference to January 25, 2006. The parties request  
12 was based upon the parties' belief that postponing the conference would allow the Temporary  
13 Receiver ("Receiver") additional time in which to gather information and potentially allow the  
14 parties to better inform the Court as to an appropriate litigation schedule.

15 8. On December 1, 2005, the Court entered an order rescheduling the Case  
16 Management Conference for January 25, 2006.

17 9. On December 14, 2005, the Temporary Receiver ("Receiver") filed its Petition for  
18 Instructions and Report of Assets of Receivership ("Petition"), in which it sought an order  
19 authorizing it to file a petition in the United States District Court for the Northern District of  
20 Illinois seeking the transfer of the account of Piranha Capital L.P. held with Pershing LLC that is  
21 currently subject of an Attachment Order in that district, and to hold all funds transferred as a  
22 result of such petition in a trust pending further orders of this court. The hearing on the Petition  
23 is presently scheduled for January 25, 2006.

24 10. Sometime after filing the Petition, the Receiver sent notice of the Petition to each  
25 individual investor in the Piranha Capital, LP Fund (the "Fund") to enable them to file objection  
26 to the Petition as required pursuant to local rule.

1           11. On January 11, 2006, defendants' counsel was contacted by counsel for certain  
2 investors in the Fund (the "Objecting Investors"), who advised that they intended to file an  
3 objection to the Petition, but sought additional time in which to do so.

4           12. Due to a recent, and unavoidable, scheduling conflict that renders Defendants'  
5 lead trial counsel unable to attend the Case Management Conference scheduled for January 25,  
6 2006, Defendants requested, and Plaintiff agreed, to extend the scheduled date for the Case  
7 Management Conference. In this connection, the parties further agreed that in light of the  
8 pending motion to dismiss the Amended Complaint, a Case Management Conference would still  
9 be premature in this case if held in January. Also, the Receiver has indicated that it would  
10 benefit from additional time to develop issues presented by and to be addressed at the Case  
11 Management Conference.

12           13. Additionally, the Receiver has indicated that it is willing to extend the time in  
13 which the Objecting Investors should have in which to file their objection to the Petition, even  
14 though this necessitates moving the hearing on the Petition. Both Defendants and the Plaintiff  
15 have no objection to the extension the Receiver has proposed with respect to the Petition hearing  
16 and briefing related thereto, especially as Defendants and Plaintiff have filed statements of Non-  
17 Objection to the Petition.

18           14. Finally, the parties believe that the most efficient way of proceeding in this case  
19 would be to conduct the hearing on the Petition on the same day as the Case Management  
20 Conference.

21           15. Accordingly, the parties respectfully request the following:

- 22           i. That the Case Management Conference and the Petition be rescheduled  
23 from January 25, 2006 to March 1, 2006; and  
24           ii. That the Objecting Investors file any objection to the Petition with the  
25 Court on or before January 27, 2006, and that the Receiver's Reply in  
26 Support of its Petition shall be due on or before February 3, 2006.

1           16. This request to reschedule the Case Management Conference and Petition is  
2 expected to aid the parties overall determination of the appropriate schedule for this case. For  
3 this reason, the requested rescheduling is not expected to negatively impact in a significant way  
4 the schedule of this case.

5  
6 Dated: January 13, 2006

7  
8 /s/ David W. Porteous  
9 Timothy J. Carey  
10 David W. Porteous  
11 Attorney for Defendant  
12 Robert Joseph Beasley

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